

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

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DISTRICT OF MARYLAND DEPUTY

WALTER EMORY MORSLEY,

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Petitioner

:

v.

:

Civil Action No. RDB-10-588

(Related Crim. Case: RDB-08-0401 ✓)

UNITED STATES OF AMERICA

:

Respondent

:

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MEMORANDUM OPINION

The above-captioned Motion to Vacate was filed on March 1, 2010. Paper No. 225.

Petitioner has also filed, *pro se*, a Motion to Stay Conviction. Paper No. 226. Petitioner seeks to challenge the guilty verdicts returned by the jury on January 13, 2010, finding him guilty of conspiracy to interfere with commerce by robbery and related offenses. Petitioner's sentencing is scheduled for March 25, 2010.

Notwithstanding that he has not been sentenced, Petitioner has filed the instant *pro se* motions attacking his convictions based on the evidence presented at trial. The motions shall be dismissed. A Motion to Vacate filed pursuant to § 2255 is by its terms limited in scope and provides that only "[a] prisoner in custody *under sentence* of a court established by Act of Congress claiming the right to be released upon the ground that the *sentence* was imposed in violation of the Constitution or laws of the United States...may move the court which imposed the *sentence* to vacate, set aside or correct the *sentence*." (emphasis added). Section 2255 was enacted to provide a means to question the validity of a judgment by motion in the sentencing court. *See Close v. United States*, 198 F.2d 144, 146 (4th Cir. 1952). As Petitioner is not in custody under a sentence of this Court, his efforts to obtain relief under § 2255 are premature. Accordingly, the motions will be denied without prejudice.

March 23, 2010
Date

/s/ 
RICHARD D. BENNETT
UNITED STATES DISTRICT JUDGE